IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, The SECOND DAY OF AUGUST

TWO THOUSAND AND FIVE

PRESENT:

THE HON'BLE SRI JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION No.16924 OF 2005

Between:

Adapala Veeraiah

S/o. Sri Venkata Ratnam

Aged about 50 years,

Occ: Agriculture,

R/o. Epurupalem Village,

Chirala Mandal, Prakasam Dist.

.. Petitioner

AND

The Gram Panchayath,

Rep. by its Panchayat Secretary

Epurupalem Village,

Chirala Mandal, Prakasam Dist. & another

.. Respondents

THE HON'BLE SRI JUSTICE B. SUDERSHAN REDDY

And

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P. No.16924 OF 2005

ORDER: (Per Hon'ble Sri Justice B. Sudershan Reddy)

We have heard the learned counsel for the petitioner and learned Government Pleader for Panchayath Raj, appearing on behalf of the newly impleaded 3rd respondent viz., the District Collector, Prakasham District.

No notice, as such, is required to be issued as against respondents 1 and 2, since no adverse order is proposed to be passed against them.

The gravamen of the complaint in the instant writ petition relates to inaction on the part of the 1st respondent in initiating proper action against the 2nd respondent for his alleged act of obstructing public road, which vests in the Gram Panchayath. It is contended that in spite of written representation, the 1st

respondent-Gram Panchayath neither considered the same nor prevented the 2nd respondent from interfering with the public road preventing the people of the village from using the same.

We do not propose to express any opinion, whatsoever, with regard to truth or otherwise of the averments made in the affidavit filed in support of the writ petition.

If the allegation is true, it is a serious matter requiring the attention of the 1st respondent as well as the 3rd respondent.

In the circumstances, liberty is given to the petitioner to file proper representation to the 3rd respondent-District Collector, Prakasham, within two weeks from today who shall receive the same and issue appropriate instructions/ directions to all the concerned so that proper enquiry is made into the allegations of 2nd respondent encroaching on a public road and preventing the people of the village from using it.

It is needless to direct the 3rd respondent as well as the 1st respondent that before any order is passed or action is initiated, shall also heard the 2nd respondent. There shall be an order accordingly.

The Writ Petition is accordingly disposed of without any order as to costs.

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B. SUDERSHAN REDDY, J

Date:02-08-2005.

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RAMESH RANGANATHAN, J

NOTE:

1) The Registry is directed to incorporate the District Collector Prakasham District, as 3rd respondent.

2) Furnish C.C. of the order within three days.

(B/O)

PV